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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE MARATHON DIGITAL HOLDINGS,  
INC. DERIVATIVE LITIGATION

Lead Case No. 2:23-cv-01055-RFB-BNW

This Document Relates to:  
ALL ACTIONS

**STIPULATION REQUESTING  
EXTENSION OF TIME AND  
[PROPOSED] ORDER SETTING  
SCHEDULE**

1       **WHEREAS**, on August 9, 2024, Defendants Georges Antoun, Kevin A. DeNuccio, Hugh  
2 Gallagher, Sarita James, Jay Leupp, Doug Mellinger, Merrick Okamoto, Said Ouissal, Simeon  
3 Salzman, and Frederick G. Thiel, and Nominal Defendant MARA Holdings Inc., f/k/a Marathon  
4 Digital Holdings, Inc., filed a Motion to Dismiss the Verified Consolidated Amended Shareholder  
5 Derivative Complaint (the “Amended Complaint”) filed by Plaintiffs Steve Hood, Gary  
6 Konigsberg, and Dennis Jaffee (“Plaintiffs”) (ECF No. 50), which was fully submitted as of  
7 November 7, 2024;  
8

9       **WHEREAS**, on February 20, 2025, this Court held oral argument on Defendants’ Motion  
10 to Dismiss the Amended Complaint and granted the Motion to Dismiss without prejudice and  
11 with leave to amend (ECF No. 65);  
12

13       **WHEREAS**, on March 21, 2025, Plaintiffs filed a Second Verified Consolidated  
14 Amended Shareholder Derivative Complaint (the “Second Amended Complaint”) (ECF No. 68);  
15 and  
16

17       **WHEREAS**, counsel for Defendants and Plaintiffs have conferred and agreed to a  
18 briefing schedule for Defendants’ forthcoming Motion to Dismiss the Second Amended  
19 Complaint;  
20

21       **WHEREAS**, the parties request an extension of time to file Defendants’ Motion to  
22 Dismiss the Second Amended Complaint, Plaintiffs’ opposition brief, and Defendants’ reply  
23 brief;  
24

25       **WHEREAS**, pursuant to LR IA 6-1(a), this is the first stipulation for extensions of time  
26 to file Defendants’ Motion to Dismiss the Second Amended Complaint, Plaintiffs’ opposition  
27 brief, and Defendants’ reply brief;  
28

1       **WHEREAS**, pursuant to LR IA 6-1(a), the extensions of time requested by the parties are  
2 intended to provide Defendants with the necessary time required to analyze the 114-page, 337-  
3 paragraph Second Amended Complaint, accommodate the recent change in Defendants' counsel,  
4 accommodate commitments, including long-planned vacations, of counsel, and to establish a  
5 briefing schedule that the parties agree is fair and reasonable;

6  
7       **WHEREAS**, the proposed schedule is not proposed for any improper purpose nor is it  
8 intended to cause any undue delay in consideration of the Second Amended Complaint;

9       **IT IS HEREBY STIPULATED AND AGREED**, subject to the Court's approval, by  
10 and among undersigned counsel, that Defendants shall file their Motion to Dismiss the Second  
11 Amended Complaint on or before May 20, 2025; Plaintiffs shall file their opposition brief on or  
12 before July 21, 2025; and Defendants shall file their reply brief on or before August 20, 2025.  
13

14  
15 Dated: April 2, 2025

16       **FLANGAS LAW GROUP**

17       /s/Kimberly P. Stein

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*Attorneys for Defendants*

Dated: April 2, 2025

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/s/Patrick R. Leverty

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*Attorneys for Plaintiffs*

**ORDER**

IT IS SO ORDERED. Defendants' shall file their Motion to Dismiss Plaintiffs' Second Amended Complaint on or before May 20, 2025; Plaintiffs shall file their opposition brief on or before July 21, 2025; and Defendants shall file their reply brief on or before August 20, 2025.



**UNITED STATES DISTRICT COURT JUDGE**

**DATED:**

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on April 2, 2025, that I electronically filed the above and foregoing document entitled **STIPULATION REQUESTING EXTENSION OF TIME AND [PROPOSED] ORDER SETTING SCHEDULE** using the CM/ECF system which will send a notice of electronic filing to all CM/ECF registrants.

/s/Ronnielyn Abrera

An employee of Flangas Law Group